

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

HOLLY K. FINLAYSON,

Plaintiff,

DECISION AND ORDER

05-CV-6444L

v.

R. JAMES NICHOLSON,
Secretary, Department of Veterans Affairs,

Defendant.

By motion filed October 4, 2006 (Dkt. #9), plaintiff moved to dismiss the complaint.

By letter dated October 11, 2006 and filed, October 23, 2006 (Dkt. #11), the Government advised that it had no objection to the motion.

Therefore, plaintiff's motion to dismiss is granted pursuant to FED. R. CIV. P. 41(a)(2) and plaintiff's complaint is dismissed without prejudice.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
October 24, 2006.